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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,147	03/15/2001	Katsushi Takami	7129	3072

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EXAMINER

KESACK, DANIEL

ART UNIT PAPER NUMBER

3624

DATE MAILED: 03/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/808,147	<b>Applicant(s)</b> TAKAMI ET AL.	
	<b>Examiner</b> Dan Kesack	<b>Art Unit</b> 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 March 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This application has been reviewed. Original claims 1-16 are currently pending.

The rejections are as stated below.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites, "... when said input memory is deposited into said account..."

The claimed "said input memory" lacks sufficient antecedent basis in claim 1. Claim 1 is therefore rendered indefinite. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-7, 10-12, 14-16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Abecassis, U.S. Patent No. 5,426,281.

Claim 1, 15, 16, Abecassis discloses a transaction protection system, permitting non-related third parties to offer an impartial, readily accessible standardized service that will protect and encompass any moneys involved in the transaction, and delivering payment upon successful transfer of purchased items, comprising:

a bank having an account for keeping money which is deposited as input money by the buyer (column 6 lines 21-23, column 13 lines 15-20), comprising seventh means for keeping said input money as kept money in said account in response to said coincidence signal (column 9 lines 5-11) and eighth means for paying a merchandise price within said input money to the seller in response to said completing notice (column 10 lines 6-9);

a market management agency for communicating with the seller, the buyer, and the bank (column 7 lines 31-34, 44-45, 49-50), comprising second

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means for processing information concerned to the commercial transaction, into a processed information, third means for keeping said processed information therein (column 9 lines 5-11), fourth means for producing said bill and statement data having the billed amount on the basis of a purchase request of the buyer to supply said bill and statement data to said buyer and said bank (figures 6 and 7), fifth means for producing an instruction of merchandise delivery response to said coincidence signal and sixth means for informing said bank of a completing notice after delivery of the goods is completed; (figure 4);

a first means for carrying out check processing which is for judging whether or not the input money is coincident with a billed amount of a bill and statement data when said input money is deposited into said account, and producing a coincidence signal when said input money is coincident with said billed amount (column 8 lines 54-68).

Claim 2, Abecassis teaches fourth means making said bill and statement data have account number data which is for use in depositing said input money into said bank, on supplying said bill and statement data to said buyer (figures 6 and 7).

Claim 3, Abecassis teaches at least one of said bank and said market management agency carries out said check processing (column 8 lines 54-68).

Claim 4, Abecassis teaches said market management further comprising a database for memorizing information concerned to said seller and goods of the seller, as seller data therein, and said fourth means reading said database on the basis of said seller data out of said purchase request to produce said bill and statement on the basis of said seller data (column 7 lines 22-45).

Claims 5-7, Abecassis teaches producing a fund transferring data representative of transferring money to said seller, before said merchandise price is paid within said kept money to said seller (figures 6 and 7).

Claim 10, Abecassis inherently teaches the system may be used with a plurality of sellers.

Claim 11, Abecassis teaches producing a non-coincidence signal when said input money is not coincident with said billed amount and transferring said kept money to another account in response to said non-coincidence signal, and inquiring about said input money (column 8 line 54 – column 9 line 11).

Claim 12, Abecassis teaches informing the trusted third party that the transaction was not completed, said trusted third party returning said input money back to said buyer as a result (column 9 line 60 – column 10 line 32).

Claim 14, Abecassis teaches a buyer using a variety of methods for transferring input money, including account transfer (column 8 lines 8-27).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claim 8, 9, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis, as applied to claim 1 above.

Claims 8, 9, Abecassis teaches producing a fund transferring data representative of transferring money to said seller, before said merchandise price is paid within said

kept money to said seller (figures 6 and 7). Abecassis further teaches receiving confirmation that delivery of the goods from seller to buyer has been successfully completed (column 8 lines 46-68). Abecassis fails to teach a delivery service sending a receipt indicating said delivery.

Official notice is taken that a delivery service sending a receipt of delivery to interested parties is old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Abecassis to include a delivery service sending a receipt directly to the trusted third party. Abecassis teaches the trusted third party awaiting verification of successful delivery. The delivery service sending a receipt directly to the trusted third party would expedite the process of this verification, and is a secure, confident way to assure the goods have been delivered before the trusted third party releases funds to the seller.

Claim 13, Abecassis fails to teach one of said seller and said buyer existing in one of foreign countries.

Official notice is taken that transactions being conducted between buyers and sellers in foreign countries is old and well known in the art. The teachings of Abecassis are applicable to buyers and sellers regardless of geographical location. It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Abecassis to include teaching the sellers and buyers existing in foreign countries because transactions commonly take place between both foreign and



domestic entities, and it is desirable that the teachings of Abecassis can accommodate the global marketplace.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dutta, U.S. Patent No. 6,865,559 discloses a method and system in electronic commerce for inspection-service-based release of escrowed payments. Ogilvie, U.S. Patent No. 6,343,738 discloses techniques for facilitating transactions, including escrowing. Foth et al., U.S. Patent No. 6,839,690 discloses a system for conducting business over the internet involving a buy, seller, and trusted third party.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Kesack whose telephone number is 571-272-5882. The examiner can normally be reached on M-F, 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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